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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,154	08/10/2001	Charles Martin	30566.194-US-01	5659
22462	7590	12/28/2004	EXAMINER	
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045				LEROUX, ETIENNE PIERRE
ART UNIT		PAPER NUMBER		
2161				

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/928,154	MARTIN ET AL.
	Examiner Etienne P LeRoux	Art Unit 2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 September 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8, 10-19 and 21-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-8, 10-19 and 21-28 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 10 August 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

Claim Status:

Claims 1-8, 10-19 and 21-28 are pending. Claims 9 and 20 are canceled. Claims 1-8, 10-19 and 21-28 are rejected as detailed below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 26-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 26 recites "wherein when the transient copy of the persistent object in one client is accessed, any previously existing transient copy of the persistent object in another client is unloaded from transient object cache of the other client." The specification does not contain a clear and concise description of the process whereby a transient copy is deleted from a first client when a transient copy exists on a second client. Examiner maintains that in a distributed environment, there must be a plurality of copies of an object which are required by each client. It is difficult to imagine why a particular client's copy must be deleted. Claims 27 and 28 include similar language and are rejected for similar reasons.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “a database thread generates database transaction requests” and furthermore “in a queue of database transaction requests.” The scope of the present invention cannot be determined because it is unclear whether above transaction requests are the same requests or other unrelated requests.

Claim 1 recites “requests for updating the persistent copy of the modified object.” There is insufficient antecedent basis for the persistent copy of the modified object. For purposes of this examination, above limitation will be rewritten as “requests for updating the persistent copy.”

Claim 1 recites “a database thread generates database transaction requests for updating the persistent copy of the modified object.” The scope of the invention cannot be determined because it is unclear whether (1) the persistent copy is updated or (2) a request is generated to update the persistent copy.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 12-19, 21 and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Regarding claim 21, the claimed method steps are not embodied on computer-readable medium. In order to be statutory, functional material is required to be functionally and structurally interrelated to the medium such that technology permits the method steps to be realized.

Claims 13-19, 21 and 22 are rejected for being dependent from a rejected base claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,930,794 issued to Linenbach et al (hereafter Linenbach), as best examiner is able to ascertain

Claims 1, 12 and 23-28:

Linenbach discloses:

- a database application makes modifications to transient copies of said persistent objects
[Fig 5, step 510, col 7, lines 53-65]
- a database thread generates database transaction requests for updating the persistent copy of the modified object in response to said modifications [Fig 5, step 520]

- said requests are processes in a queue of database transaction requests at a lower priority than said modifications [col 9, lines 60-65]

Claims 2 and 13:

Linenbach discloses wherein said database is stored locally or distributed over a network to remote nodes [Fig 1].

Claims 3 and 14:

Linenbach discloses wherein said database is transaction-oriented [Fig 4 and user generated commit signal, col 7, lines 10-35].

Claims 4 and 15:

Linenbach discloses wherein said database thread includes an object cache manager [Fig 3, 315];

Claims 5 and 16:

Linenbach discloses wherein said object cache manager creates said transient copies in a transient object cache according to permission from a Permit Manager [database application per col 6, lines 15-25].

Claims 6 and 17:

Linenbach discloses wherein said modifications to transient copies of said persistent objects are amendments implemented locally or remotely on said transient copies [Fig 1, 140]

Claims 7 and 18:

Linenbach discloses wherein transient objects are stored in the main memory of a local or remote database client system or a plurality thereof [col 5, lines 45-60].

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Claims 8 and 19:

Linenbach discloses wherein said database thread is a low priority thread [Fig 4, "if commit"]

Claims 9 and 20:

Linenbach discloses wherein said object cache manager queues transactions corresponding to amendments of said transient copies in a database request queue as transaction requests [Fig 3, 314, col 6, lines 15-25]

Claims 10 and 21:

Linenbach discloses wherein said database thread identifies and then executes said transactions requests asynchronously [Fig 4, "if commit"]

Claims 11 and 22:

Linenbach discloses wherein said queued transactions requests are removed from said database request queue once the said database transaction they respectively define is accomplished [col 6, lines 15-25].

Response to Arguments

Applicant's arguments filed 9/27/04 have been fully considered but they are not persuasive.

Applicant States:

Applicant states on page 2 that claim 24 is amended.

Examiner Responds:

Examiner notes on page 5 that claim 24 is indicated as being “Currently Amended.” A detailed consideration of “Currently Amended” claim 24 did not reveal an amendment. Examiner presumes that above is a typographical error because in fact claim 24 is not currently amended.

Applicant Argues:

Applicant states in the fourth paragraph on page 8 “Instead, it is a request to modify a persistent copy of data in response to a modification of a transient copy of the persistent data.”

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a request to modify a persistent copy of data in response to a modification of a transient copy of the persistent data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant Argues:

Applicant states in the fifth paragraph on page 8 “Secondly, the claimed context describes the use of a context stack and not a queue.”

Examiner Responds:

Examiner is not persuaded. Based on applicant's amending of claim 1 to include a queue, examiner has mapped instant limitation to the relevant section of Linenbach. Linenbach discloses in column 9, lines 60-65 that a commit transaction is first placed on an internal queue

and when the commit transaction comes to the head of the queue, the commit operation is performed by generating database code and passing this code to a database management system.

Applicant Argues:

Applicant states in the sixth paragraph on page 5 “In addition, the remainder of Linenbach also fails to describe the transaction requests, queue of transaction requests and processing of such requests as claimed in the present invention.

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the transaction requests) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., processing of such requests) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner maintains that Linenbach discloses a queue of transaction requests in column 9, lines 57-67] as discussed in detail in above response by examiner.

Applicant Argues:

Applicant states in the seventh paragraph on page 8, “Further, as described above, the new dependent claims provide for unloading a transient copy of data in one client if another

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client is processing data on their own transient copy of the data. such a teaching is not even remotely referred to or suggested, implicitly or explicitly, anywhere in Linenbach.”

Examiner Responds:

Examiner is not persuaded. Above limitation is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicant fails to point out where in the specification above limitation is described in clear, concise terms such that a skilled artisan could make and use the invention. Furthermore, examiner reviewed the specification in detail and was not able to find a reference to unloading a transient copy from a user's workstation. Examiner finds it difficult to understand why a user's copy is deleted. It is unclear why the changes in this particular user's copy are not considered for incorporation in the master copy.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

12/17/2004



SAFET METJAHIC
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